

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

MARGARET M. HUDSON

PLAINTIFF

VS.

CAUSE NO. 97-9-1239

THE UNKNOWN HEIRS AT LAW OF WALTER ENSLEY,
 THE UNKNOWN HEIRS AT LAW OF MARY ENSLEY,
 THE UNKNOWN HEIRS AT LAW OF SUSIE MAE ENSLEY NELSON,
 BETTY COLE, CARL NELSON, NATHAN NELSON, SYLVESTER
 ALDRIDGE, TO ALL PERSONS HAVING OR CLAIMING ANY
 INTEREST IN THE FOLLOWING DESCRIBED LAND SOLD FOR
 TAXES ON SEPTEMBER 18, 1978, AND DESCRIBED AS:
 SW CORNER OF SW 1/4 4-1/2 ACRES IN SECTION 11, TOWNSHIP 2,
 RANGE 6, DESOTO COUNTY, MISSISSIPPI, AND ANY AND ALL
 PERSONS HAVING OR CLAIMING ANY LEGAL OR EQUITABLE INTEREST
 IN THE REAL PROPERTY DESCRIBED IN THE COMPLAINT,
 JOSEPHINE MCDONALD HINES, RUBY BROWN, MATTIE MAE WOODS,
 SHIRLEY EASLEY, THELMA BLACKWELL, MAUDE RAY WASHINGTON,
 MARY NELL WEAVER, ANNIE JEAN MCDONALD, JOHNNY MCDONALD,
 AND CHARLENE MAXWELL

DEFENDANTS

DECREE CONFIRMING AND QUIETING TAX TITLE
 AND GRANTING OTHER RELIEF

This cause came on to be heard on the filed, verified
 Complaint To Confirm and Quiet Tax Title and for Other Relief of
 Margaret M. Hudson and the Court having considered the Complaint
 and the proof offered in support thereof doth find and adjudicate
 as follows:

That the Court has jurisdiction of both the subject matter and
 parties to this proceeding.

That the Court has obtained jurisdiction over Sylvester
 Aldridge and Josephine McDonald Hines by personal service of
 process. That the Defendants, Betty Cole, Carl Nelson, Nathan

STATE MS.-DESOTO CO.
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W E DAVIS, CLERK

BK 323 PG 725
 W.E. DAVIS CH. CLERK

MINUTE BOOK 229 PAGE 64

W. E. Davis

Nelson, The Unknown Heirs at Law of Walter Ensley, The Unknown Heirs at Law of Mary Ensley, The Unknown Heirs at Law of Susie Mae Ensley Nelson, all persons having or claiming any legal interest in the following described land sold for taxes on September 18, 1978, and being described as the SW Corner of SW1/4 4-1/2 acres in Section 11, Township 2, Range 6, DeSoto County, Mississippi, and any and all persons having or claiming any legal or equitable interest in the real property located in DeSoto County, Mississippi, and described in the Complaint To Confirm and Quiet Tax Title and For Other Relief, Ruby Brown, Mattie Mae Woods, Shirley Easley, Thelma Blackwell, Maude Ray Washington, Mary Nell Weaver, Annie Jean McDonald, Johnny McDonald and Charlene Maxwell have been duly served with a summons by service of process by publication, said summons appearing in the September 13, September 20, and September 27, 1997, editions of the DeSoto Times, a newspaper published in and having a general circulation in DeSoto County, Mississippi. That no answer or response has been filed by any of the named Defendants and the Court finds that the Plaintiff is entitled to a Judgment to be entered by default.

That the Plaintiff, Margaret M. Hudson, is an adult resident citizen of DeSoto County, Mississippi.

That the names and places of residence of all persons interested in the land so far as known to the Plaintiff, after diligent search and inquiry, and who were joined as Defendants to the Complaint, are identified as follows:

(a) Betty Cole, an adult, non-resident of the State of Mississippi, whose post office and street address being one and the same is, 1743 St. Paul Road, Millington, Tennessee 38453;

(b) Carl Nelson, an adult, non-resident of the State of Mississippi, whose post office and street address being one and the same is 3622 Neeley Road, Memphis, Tennessee 38053;

(c) Nathan Nelson, an adult, non-resident of the State of Mississippi, whose post office and street address is unknown to the Plaintiff after diligent search and inquiry to ascertain the same;

(d) Sylvester Aldridge, an adult, resident citizen of DeSoto County, Mississippi, living and residing at 10167 DeSoto Road, Olive Branch, Mississippi 38654;

(e) The Unknown Heirs at Law of Walter Ensley, whose names, post office and street addresses are unknown to the Plaintiff after diligent search and inquiry;

(f) The Unknown Heirs at Law of Mary Ensley, whose names, post office and street addresses are unknown to the Plaintiff after diligent search and inquiry;

(g) The Unknown Heirs at Law of Susie Mae Ensley Nelson, whose names, post office and street addresses are unknown to the Plaintiff after diligent search and inquiry;

(h) To all persons having or claiming any legal interest in the following described land, sold for taxes on September 18, 1978, being described as the SW Corner of the SW1/4 4-1/2 acres in Section 11, Township 2, Range 6, of DeSoto County, Mississippi, and

being more particularly described as follows:

2.15 acres (93,446.03 s.f.) being part of the southwest quarter of the southwest quarter of Section 11, Township 2 South, Range 6 West, Desoto County, Mississippi, and described as follows:

Commencing at the southwest corner of Section 11, Township 2 South, Range 6 West. Said point being at the intersection of College and Alexander Roads and marked by a spindle. Thence N 83°47'22" E-911.93' to a point on the South side of College Road. Said point being at the southwest corner of said 2.15 acres and the point of beginning. Thence N 06°18'56" W-327.85' to a point on the South line of the Mack 5.0 acre tract as recorded in Deed Book 65, Page 143, of the Office of Chancery Clerk, DeSoto County, Mississippi. Thence N 83°48'21" E-285.06' along the South line of the Mack tract to a 1/2" rebar at the northwest corner of the Watkins one acre tract as recorded in Deed Book 282, Page 785, of the Office of the Chancery Clerk, DeSoto County, Mississippi; thence S 06°18'56" E-327.77' along the West line of the Watkins tract to a point on the South side of College Road (point marked by a 3/8" rebar set 40' North on line); thence S 83°47'22" W-285.06' along the South side of College Road to the point of beginning. Parcel containing 2.15 acres including right of way for College Road;

the names, post office and street addresses of said individuals being unknown to the Plaintiff after diligent search and inquiry to ascertain the same.

(i) Any and all persons having or claiming any legal or equitable interest in the real property located in DeSoto County, Mississippi, and being described as follows, to-wit:

2.15 acres (93,446.03 s.f.) being part of the southwest quarter of the southwest quarter of Section 11, Township 2 South, Range 6 West, Desoto County, Mississippi, and described as follows:

Commencing at the southwest corner of Section 11, Township 2 South, Range 6 West. Said point being at the intersection of College and Alexander Roads and marked by a spindle. Thence N 83°47'22" E-911.93' to a point on

the South side of College Road. Said point being at the southwest corner of said 2.15 acres and the point of beginning. Thence N 06°18'56" W-327.85' to a point on the South line of the Mack 5.0 acre tract as recorded in Deed Book 65, Page 143, of the Office of Chancery Clerk, DeSoto County, Mississippi. Thence N 83°48'21" E-285.06' along the South line of the Mack tract to a 1/2" rebar at the northwest corner of the Watkins one acre tract as recorded in Deed Book 282, Page 785, of the Office of the Chancery Clerk, DeSoto County, Mississippi; thence S 06°18'56" E-327.77' along the West line of the Watkins tract to a point on the South side of College Road (point marked by a 3/8" rebar set 40' North on line); thence S 83°47'22" W-285.06' along the South side of College Road to the point of beginning. Parcel containing 2.15 acres including right of way for College Road;

the names, post office and street addresses of said individuals being unknown to the Plaintiff after diligent search and inquiry to ascertain the same.

(j) Josephine McDonald Hines, an adult resident citizen of DeSoto county, Mississippi, living and residing at 10160 College Road, Olive Branch, Mississippi 38654.

(k) Ruby Brown, Mattie Mae Woods, Shirley Easley, Thelma Blackwell, Maude Ray Washington, Mary Nell Weaver, Annie Jean McDonald, Johnny McDonald and Charlene Maxwell, who are all adult non-residents of the State of Mississippi, but whose post office and street addresses are unknown to the Plaintiff after diligent search and inquiry to ascertain the same.

That the Plaintiff brought this action to confirm and quiet title pursuant to §11-17-1 of the Mississippi Code of 1972, Annotated. That the period for redemption of the delinquent taxes has expired and that the Plaintiff is the owner in fee simple of

the real property herein described aforesaid in Paragraph (h) on Pages 3 and 4 by virtue of the Last Will and Testament of Readus L. Hudson duly probated in the Chancery Court of DeSoto County, Mississippi, and being of record in Will Book 21, Page 399, of the Will Records of said county maintained in the Office of the Chancery Clerk of said county and state. That a copy of said Will was attached to the Complaint as Exhibit "A". That at the time of his death Readus L. Hudson was the owner in fee simple of the real property hereinabove described in Paragraph (h) Pages 3 and 4 by virtue of that certain Tax Deed executed by H. G. Ferguson, Chancery Clerk of DeSoto County, Mississippi, under date of May 13, 1981, and duly recorded in Deed Book 154, Page 29, in the Office of the Chancery Clerk of DeSoto County, Mississippi. That a copy of said deed was attached to the Complaint as Exhibit "B".

That the Plaintiff is entitled to have the title to the real property herein described quieted and confirmed in her by virtue of her ownership of said real property, the said real property being described on the Tax Deed as follows: SW corner, SW1/4 4-1/2 acres, Section 11, Township 2, Range 6 West, but being more particularly described by survey as follows:

2.15 acres (93,446.03 s.f.) being part of the southwest quarter of the southwest quarter of Section 11, Township 2 South, Range 6 West, Desoto County, Mississippi, and described as follows:

Commencing at the southwest corner of Section 11, Township 2 South, Range 6 West. Said point being at the intersection of College and Alexander Roads and marked by a spindle. Thence N 83°47'22" E-911.93' to a point on

the South side of College Road. Said point being at the southwest corner of said 2.15 acres and the point of beginning. Thence N 06°18'56" W-327.85' to a point on the South line of the Mack 5.0 acre tract as recorded in Deed Book 65, Page 143, of the Office of Chancery Clerk, DeSoto County, Mississippi. Thence N 83°48'21" E-285.06' along the South line of the Mack tract to a 1/2" rebar at the northwest corner of the Watkins one acre tract as recorded in Deed Book 282, Page 785, of the Office of the Chancery Clerk, DeSoto County, Mississippi; thence S 06°18'56" E-327.77' along the West line of the Watkins tract to a point on the South side of College Road (point marked by a 3/8" rebar set 40' North on line); thence S 83°47'22" W-285.06' along the South side of College Road to the point of beginning. Parcel containing 2.15 acres including right of way for College Road.

That the Plaintiff is the owner in fee simple of the above described real property located in DeSoto County, Mississippi. That said land was granted and patented by the United States to Tun-Nu-Chak under date of January 25, 1836, as reflected in Location Roll Book located in the Office of the Chancery Clerk of DeSoto County, Mississippi. That the Plaintiff deraigned her title for a period of sixty-five (65) years prior to this date as follows:

<u>DATE</u>	<u>GRANTOR</u>	<u>GRANTEE</u>	<u>TYPE OF CONVEYANCE</u>	<u>BOOK/PAGE</u>
1/25/1836	U.S.A.	TUN-NU-CHAK	PATENT	LOCATION ROLL BOOK
1/17/1916	J. E. WATKINS	E. J. PAYNE	TRUSTEES DEED	17/247
6/02/1924	E. J. PAYNE TESTATOR	ELEZA PAYNE, LIFE TENANT, LUCY BOWER AND LINDSAY PAYNE (REMAINDERMAN)	LAST WILL & TESTAMENT	WILL BOOK 4, PAGE 96
10/11/1928	LUCY BOWER AND W. A. BOWER	LINDSAY PAYNE	WARRANTY DEED	22/200
4/17/1945	L. J. PAYNE	WALTER ENSLEY	WARRANTY DEED	32/34

6/25/1955	WALTER ENSLEY (Intestate death)	MARY ENSLEY, SUSIE MAE ENSLEY NELSON, ISIAH ENSLEY	NONE (Intestate death) (REF.)	59/435
10/1/1962	ISIAH ENSLEY	MARY ENSLEY AND BETTY ENSLEY BROWN	QUITCLAIM DEED	55/111
5/13/1981	H. G. FERGUSON	R. L. HUDSON	TAX COLLECTORS DEED	154/29
10/18/94	READUS L. HUDSON	MARGARET M. HUDSON	LAST WILL & TESTAMENT	Will Book 21, Page 399

On the 18th day of September, 1978, the aforescribed land was sold by the Tax Collector of Desoto County, Mississippi, for the taxes thereon due for the year 1977, when the said R. L. Hudson, being one and the same as Readus L. Hudson, became the purchaser thereof; and there upon in the manner and within the time required by law, the Chancery Clerk of Desoto County, Mississippi, being H. G. Ferguson, executed and delivered to R. L. Hudson an official Tax Deed in the usual legal form for said land and the same was duly recorded in the Office of the Chancery Clerk of DeSoto County, Mississippi. That the time for redemption has passed.

That said land at the time of said tax sale was assessed to Walter Ensley. That Walter Ensley died intestate on June 25, 1955, while living in DeSoto County, Mississippi, and left surviving him as his sole-surviving heirs at law his widow, Mary Ensley, and their daughter, Susie Mae Ensley Nelson, and one son, Isiah Ensley, whose mother was Mary Cowan Ensley, a former wife of Walter Ensley, the said Mary Cowan Ensley having died in 1929 or 1930. That Mary Ensley died intestate in the year 1975 while living and residing in

DeSoto County, Mississippi, and she left as her sole-surviving heirs at law a daughter, Susie Mae Ensley Nelson, and a daughter, Betty Cole, who was also known as Betty Ensley Brown and also known as Betty Aldridge Brown. That Susie Mae Ensley Nelson died intestate, leaving as her sole heirs at law a son, Carl Nelson, and a son, Nathan Nelson. That the Plaintiff after diligent search and inquiry believes that there were other unknown heirs of Susie Mae Ensley Nelson whose names, post office and street addresses are unknown to the Plaintiff after diligent search and inquiry. That the Plaintiff believes that all of the heirs at law of Walter Ensley have been joined in the Complaint as a Defendant but she made as further defendants to this action any unknown heirs at law of Walter Ensley, the names, post office and street addresses of said individuals being unknown to the Plaintiff after diligent search and inquiry. That the Plaintiff believes that she has made all of the heirs at law of Mary Ensley a Defendant to this action but she made as further defendants to this action all unknown heirs at law of Mary Ensley, the names, post office and street addresses of said individuals being unknown to the Plaintiff after diligent search and inquiry to ascertain the same. That the Plaintiff believes that she has made all of the known heirs at law of Susie Mae Ensley Nelson a Defendant to this action but she made as further defendants to this action all unknown heirs at law of Susie Mae Ensley Nelson, the names, post office and street addresses of said individuals being unknown to the Plaintiff after diligent

search and inquiry to ascertain the same. That Josephine Hines, also known as Josephine McDonald, Ruby Brown, Mattie Mae Woods, Shirley Easley, Thelma Blackwell, Maude Ray Washington, Mary Nell Weaver, Annie Jean McDonald, Johnny McDonald and Charlene Maxwell are the occupants of the real property lying immediately west and adjacent to the aforescribed real property and she made said individuals a Defendant to this cause in view of the fact that their property encroaches upon the original 4-1/2 acre tract conveyed by the Tax Deed to R. L. Hudson. That the Plaintiff has excluded the land occupied by said individuals from this litigation as she makes no claim to any part or portion thereof. That the Plaintiff attached as Exhibit "C" to the Complaint a copy of the survey dated April 16, 1997, which identified the land being confirmed by this action as well as the .73 acre tract occupied by said individuals.

That the Plaintiff is in possession of the aforescribed real property and she, together with her husband, R. L. Hudson, also known as Readus L. Hudson, have been in actual, open and notorious, exclusive and continuous possession of said land for a period of time in excess of 10 years and by adverse possession of said land the Plaintiff is now vested with title to the same by adverse possession as well as the aforesaid Tax Deed. That the Plaintiff is entitled to have said land and the title thereto quieted and confirmed in her on the basis of adverse possession, in addition to her right to having said title quieted and confirmed to her

pursuant to §11-17-1 of the Mississippi Code of 1972, Annotated.

That the relief prayed for in said Complaint shall be granted,
PREMISES CONSIDERED:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that title to the real property located in DeSoto County, Mississippi, and described as follows, to-wit:

2.15 acres (93,446.03 s.f.) being part of the southwest quarter of the southwest quarter of Section 11, Township 2 South, Range 6 West, Desoto County, Mississippi, and described as follows:

Commencing at the southwest corner of Section 11, Township 2 South, Range 6 West. Said point being at the intersection of College and Alexander Roads and marked by a spindle. Thence N 83°47'22" E-911.93' to a point on the South side of College Road. Said point being at the southwest corner of said 2.15 acres and the point of beginning. Thence N 06°18'56" W-327.85' to a point on the South line of the Mack 5.0 acre tract as recorded in Deed Book 65, Page 143, of the Office of Chancery Clerk, DeSoto County, Mississippi. Thence N 83°48'21" E-285.06' along the South line of the Mack tract to a 1/2" rebar at the northwest corner of the Watkins one acre tract as recorded in Deed Book 282, Page 785, of the Office of the Chancery Clerk, DeSoto County, Mississippi; thence S 06°18'56" E-327.77' along the West line of the Watkins tract to a point on the South side of College Road (point marked by a 3/8" rebar set 40' North on line); thence S 83°47'22" W-285.06' along the South side of College Road to the point of beginning. Parcel containing 2.15 acres including right of way for College Road;

be and the same is hereby confirmed in fee simple in the Plaintiff, Margaret M. Hudson, as against the Defendants, being The Unknown Heirs at Law of Walter Ensley, The Unknown Heirs at Law of Mary Ensley, The Unknown Heirs at Law of Susie Mae Ensley Nelson, Betty Cole, Carl Nelson, Nathan Nelson, Sylvester Aldridge, All Persons Having or Claiming Any Interest in the Following Described

Land Sold For Taxes on September 18, 1978, and Described as: SW Corner of SW1/4 4-1/2 acres in Section 11, Township 2, Range 6, DeSoto County, Mississippi, Any and All Persons Having or Claiming Any Legal or Equitable Interest in the Real Property Described Hereinabove, Josephine McDonald Hines, Ruby Brown, Mattie Mae Woods, Shirley Easley, Thelma Blackwell, Maude Ray Washington, Mary Nell Weaver, Annie Jean McDonald, Johnny McDonald and Charlene Maxwell.

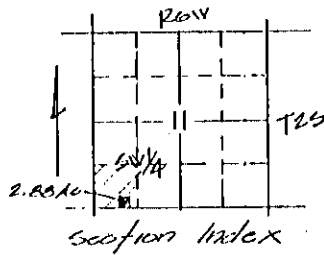
It is further ordered that title is hereby quieted and confirmed, pursuant to §11-7-1 of the Mississippi Code of 1972, Annotated, as against Walter Ensley and all other Defendants to this action.

That the Clerk of the Court is hereby ordered to record a copy of this Decree in the Land Records of Desoto County, Mississippi, and the Court does make as a part of this Decree a copy of the Survey of Jerry T. Stafford, Professional Land Surveyor, which is attached as Exhibit "C" to the Complaint.

SO ORDERED, ADJUDGED AND DECREED on this the 20th day of October, 1997.

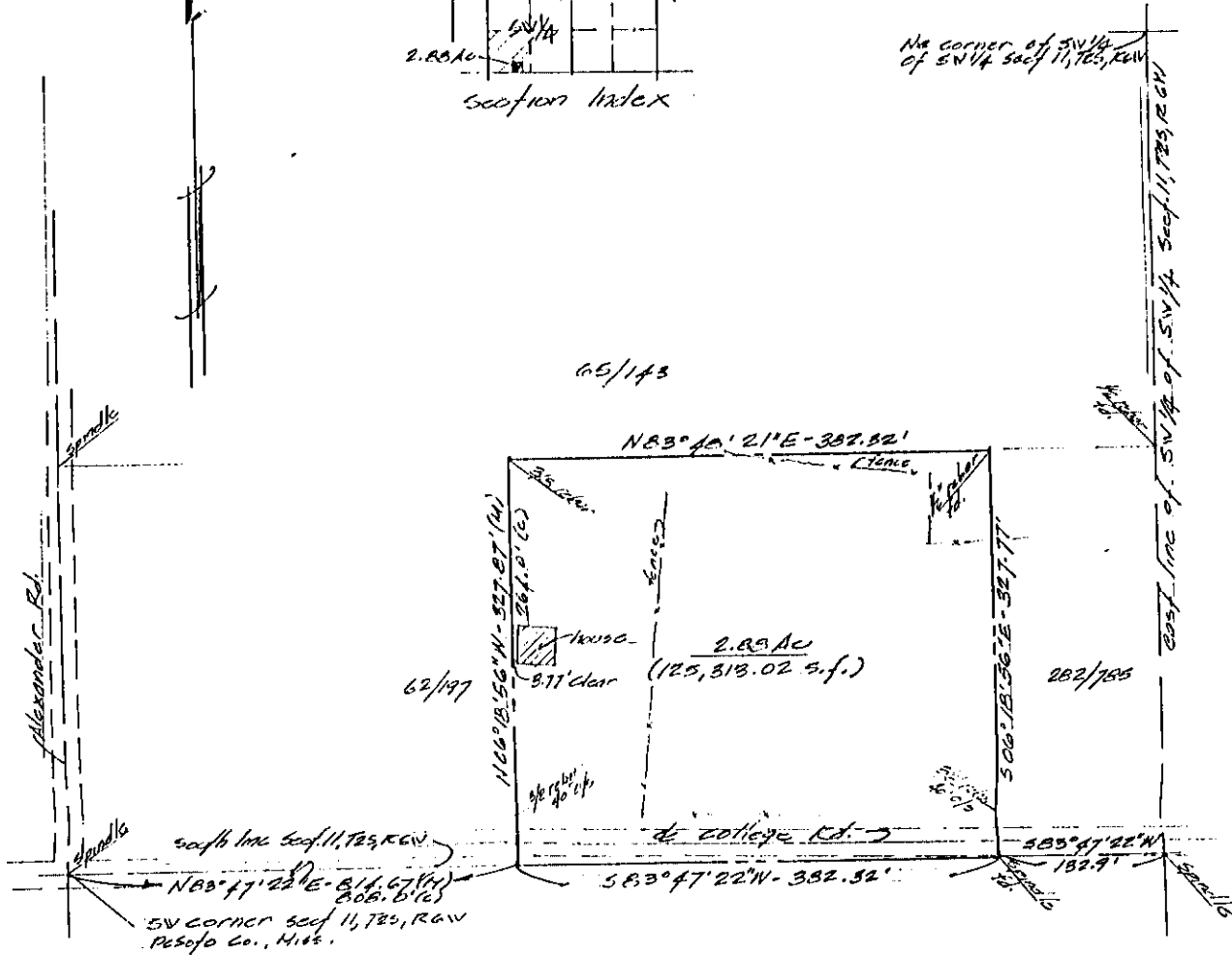


CHANCELLOR



NE corner of SW 1/4
of SW 1/4 Sec 11, T6S, R6W

65/143



Boundary Survey

2.08 AC SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 11, T2S, R. 6W NoSo Co. Miss.
Scale 1" = 100'

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON FROM PHYSICAL FEATURES FOUND ON THE GROUND AND DEEDS OF RECORD, AND THAT THIS PLAT IS A TRUE AND CORRECT EXEMPLIFICATION OF A CLASS C SURVEY. ALSO ACCORDING TO FIA MAP NO. 280336-00650 DATED 21 May 90 THIS PROPERTY IS NOT LOCATED IN A HUD IDENTIFIED FLOOD HAZARD ZONE. CERTIFIED TO THIS THE 26 DAY OF March 1997.

~~JERRY T. STAFFORD, MS. RLS#2633~~